IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.6743 of 2003

Date of Decision: 8.2.2007

Gurpreet Kaur & others ..... Petitioners

Versus

State of Punjab & others ..... Respondents

CORAM:- HON'BLE MR.JUSTICE J. S. KHEHAR
HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Gurnam Singh, Advocate
for the petitioners.

Mr.BS Chahal, AAG Punjab for respondents 1 to 3.

***

J.S.KHEHAR, J. (Oral)

The respondents issued an advertisement in the Tribune dated 2.4.2000 inviting applications for the post of JBT/ETT teachers. The petitioners considering themselves eligible, responded to the same, well before the last date of submission of the application forms. Despite having apparently done very well in the process of selection, the petitioners were not favoured with offers of appointment. It is, therefore, that the petitioners approached this Court by filing the instant writ petition. It is the vehement contention of the learned counsel for the petitioners that a large number of advertised posts are still available to accommodate the petitioners and the petitioners should be appointed against the same.

In order to repudiate the contention of the learned counsel for the petitioners, learned counsel for the respondents has invited our attention to the facts mentioned in para 10 of the writ petition, which clearly indicate

that a total of 324 JBT/ETT posts were advertised for being filled up from District Sangrur. However, out of the aforesaid posts, 20 were to be filled up out of the handicapped candidates, and as such, through a corrigendum dated 25.5.2000 issued in various leading newspapers, the number of advertised posts were reduced from 324 to 304.

While acknowledging that there are still 44 posts vacant, out of the 324 posts of JBT/ETT teachers, originally advertised, it is the contention of the learned counsel for the respondents, that none of the vacancies now available are to be filled up from the general category, and since the petitioners belong to the general category, they cannot claim appointment against the unfilled vacancies. In order to substantiate the aforesaid contention, learned counsel for the respondents has again invited our attention to para 10 of the written statement, wherein it is, inter alia, stated as under:

> "That there are 44 posts are lying vacant in the Distt.Sangrur for different categories. The detail of these posts are given below:
>
> | | |
> |---|---|
> | Sports (Male) | = 2 General |
> | Sports(Male & Female) S.C. | = 3 |
> | H.C.Male (Partially female, Deaf & Dumb and blind) | = 26 |
> | Ex-serviceman (S.C.)Male | = 1 |
> | Ex-serviceman (B.C.)male | = 3 |
> | Ex-serviceman Female | = 6 |
> | Ex-serviceman Female B.C. | = 3 |
> | Total | 44 |
>
> ----------"

In view of the factual position noticed hereinabove, the claim of the petitioners for appointment against the unfilled posts of JBT/ETT teachers is not justified. Having examined the issue in its totality, we are of the view that the petitioners cannot claim appointment for the posts against which they lack eligibility. As against 44 vacant posts, the petitioners must be deemed to be ineligible as none of them belong to the reserved categories, to which the seats which have remained vacant belong. Thus, we find no merit in the instant contention of the learned counsel for the petitioners.

Additionally, it is the vehement contention of the learned counsel for the respondents, that no candidate with marks lower than the marks obtained by the petitioners in the process of selection has been appointed. For this reason also, the claim of the petitioners for appointment against the advertised posts is mis-conceived.

Dismissed.

(J. S. KHEHAR)
JUDGE

(S. D. ANAND)
JUDGE

February 8, 2007
SRM